

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket: DE 020204

KLAUS SCHOELLER ET AL.

Group Art Unit: 2879

Serial No. 10/527,007

Examiner: WALFORD, N.K.

Filed: MARCH 7, 2005

Confirmation No. 1124

Title: HIGH-PRESSURE DISCHARGE LAMP WITH IMPROVED COLOR POINT  
STABILITY AND HIGH LUMINOUS EFFICACY

Mail Stop Appeal Brief-Patents  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on August 17,  
2007, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief mailed on May 15, 2007, which are incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answers of August 17, 2007.

In particular, Appellants respectfully refute the allegations throughout the Examiner's Answer that U.S. Patent No. 4,047,069 (Akutsu) discloses an "outer bulb comprising neodymium oxide," as recited in independent Claim 1, and similarly recited in independent Claim 9. Further, Appellants respectfully refute the allegation that the "outer bulb comprising neodymium oxide does not preclude the bulb from having a coating of neodymium oxide."

(Examiner's Answer, page 9, lines 1-2)

Akutsu specifically recites that "[t]he discharge tube is further incorporated within and is supported by the outer bulb 23 made of hard glass ... On the inside surface of the outer bulb 23, a phosphor layer 24 is applied." (Column 3, lines 20-24, emphasis added) In addition, Akutsu specifically recites that "[s]uch phosphors were applied on the inside surface of the outer bulb." (Column 3, lines 27-28, emphasis added)

That is, the Akutsu outer bulb 23 comprises hard glass, and does NOT comprise the phosphor layer 24. Rather, the phosphor layer 24 is an additional and separate element, different from the outer bulb 23. The phosphor layer 24 is clearly an element separate from the outer bulb 23, and is applied as a coating on the inside surface of the outer bulb 23.

Akutsu further specifically recites "using an outer bulb containing neodymium, by coating the outer bulb with neodymium oxide mixed with phosphor powder" (Column 3, lines 47-49, emphasis added) That is, a mixture of the phosphor powder and neodymium oxide are applied as a coating on the inside surface of the outer bulb 23. The fact remains that the outer bulb 23 is simply hard glass.

The Akutsu outer bulb 23 does not include or does not comprise any neodymium oxide. Rather, it is the Akutsu coating on the inner surface of the outer bulb 23 that includes or comprises neodymium oxide (and phosphor powder).

In stark contrast, the present invention as recited in independent Claim 1, and similarly recited in independent Claim 9, amongst other patentable elements, requires (illustrative emphasis

provided):

an outer bulb surrounding the inner vessel, the outer bulb comprising neodymium oxide, the neodymium oxide content being substantially 2 to 20% by weight with respect to the total weight of the outer bulb.

Accordingly, it is respectfully submitted that independent Claims 1 and 9 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that Claims 2, 4-8 and 10-15 should also be allowed based at least on their dependence from independent Claim 1.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-2 and 4-15 are patentable over Muto and Akutsu.

In view of the above, it is respectfully submitted that the Examiner's rejection of Claims 1-2 and 4-15 should be reversed.

Respectfully submitted,

By 

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October 12, 2007

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